State of Hawaii
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Aquatic Resources
Honolulu, Hawaii 96813

April 28, 2006

Board of Land
and Natural Resources
Honolulu, Hawaii

THE DIVISION OF AQUATIC RESOURCES REQUESTS BOARD OF LAND AND NATURAL RESOURCES (BLNR) AUTHORIZATION/APPROVAL TO ISSUE TWO (2) NORTHWESTERN HAWAIIAN ISLANDS (NWHI) PERMITS: 1) A SPECIAL ACTIVITY PERMIT TO C.O. SCOTT E. KUESTER, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA) SHIP HI'IALAKAI, FOR ACCESS TO STATE WATERS TO SUPPORT MARINE RESEARCH ACTIVITIES, AND 2) A RESEARCH, MONITORING AND EDUCATION PERMIT TO DR. RANDALL KOSAKI OF NOAA, TO OBSERVE, MONITOR, AND FACILITATE MARINE RESEARCH COVERED UNDER SEPARATE PERMIT APPLICATIONS

Submitted herewith for your authorization and approval is a request for issuance of 1) a NWHI Access Permit to Scott E. Kuester, C.O., NOAA ship Hi'ialakai, and 2) a Research, Monitoring and Education permit to Dr. Randall K. Kosaki, NOAA NWHI-CRER. These permits, described below, will allow activity to occur in the NWHI State marine Refuge (0-3 miles) waters surrounding 1) Nihoa Island, Necker Island, French Frigate Shoals, Laysan Island, Maro Reef, Gardner Pinnacles, Lisianski Island, Neva Shoal, Pearl and Hermes Atoll, Kure Atoll, and other NWHI locations; and 2) Nihoa Island, French Frigate Shoals, and Gardner Pinnacles. The purposes of this access are to 1) provide a support platform for scientific activities covered under other permits, and 2) observe, monitor, and facilitate marine research covered under separate permit applications (Items F-6 through F-10). The activities covered under these permits will occur from 1) May 18 to June 11, 2006, June 23 to July 19, 2006 and August 26 to September 29, 2006, and 2) May 18 to June 11, 2006.

1. SPECIAL ACTIVITY PERMIT:
The Hi'ialakai will be used as a support platform and requests permission to enter State waters, anchor small crafts, land, and transport organisms as specified under numerous separate permit applications. Ship details are attached.

2. RESEARCH, MONITORING AND EDUCATION PERMIT:
Activities listed on this permit application are in support of other research projects on this cruise (NOAA ship HI'IALAKAI cruise HI-06-07). Kosaki (NOAA) and Zamzow (DLNR) will represent their respective agencies, oversee compliance with all permit conditions, and serve as liaisons between the scientific party and the ship's officers and crew. Rivera and the journalist (TBD) will fulfill outreach roles. Their primary role will be to serve as web correspondents, providing daily updates for the NWHICRER website

(http://www.hawaiianatolls.org) as well as photo-documentation of the cruise activities. They will also be writing other outreach pieces and translating the scientific research for a broader public audience, and if possible they will communicate with K-12 science classes. All personnel listed may SCUBA dive, and may also assist with shipboard data collection and sample processing. Any collecting or other permit-requiring activities in support of other projects on this cruise will be addressed in those specific permit applications.

The proposed activities are consistent with and support the purposes of the Refuge, primarily to support, promote, and coordinate appropriate scientific research and assessment, and long-term monitoring of the resources within the marine refuge.

REVIEW PROCESS:

The permits were received by the Division of Aquatic Resources on 1) April 2, 2006 and 2) April 10, 2006. They were sent out for review and comment to the following scientific entities: Division of Aquatic Resources staff (5), Division of Forestry and Wildlife, Northwest Hawaiian Islands Reserve, and the United States Fish and Wildlife Service. Native Hawaiians from the Office of Hawaiian Affairs and Kaho'olawe Island Reserve Commission were also consulted.

Comments received from the Scientific Community (DAR) on the Special Activity Permit are summarized as follows:

1) That the applications should be approved as the activities are non-extractive and support the management goals of the State refuge.

Comments received from the Scientific Community (DAR) on the Research, Education and Monitoring Permit are summarized as follows:

1) That the applications should be approved as the activities are non-extractive and support the management goals of the State refuge.
2) That some provision needs to be made for the housing and subsequent utilization by partners of the information, photos, videos, etc. collected during cruises.

RESPONSE:

Kosaki was asked to comment regarding the housing and utilization of data, and an email reply was received on 18 April, 2006. This response noted that NWHI-CRER has consistently provided the State and other partners access to images and videos collected. This includes the fact that educational content is posted to hawaiianatolls.org for public access, and DLNR has historically been provided several copies of all high-quality still images. DLNR also is allowed full access to public domain video and to the NWHI-CRER editing station and raw video footage from cruises. In addition, the National Marine Sanctuary Program is currently designing a web-based media storage and distribution system that is in Beta testing right now and should launch before the end of 2006. This system will allow the Reserve to place images and video on the web and provide broader, more distributed access.

FINAL STAFF RECOMMENDATIONS:

1) Allow the NOAA ship Hi'ialakai entry into State waters to perform activities outlined under the various Research, Monitoring, and Education permits. Ensure all permit conditions outlined in the BLNR permit guidelines are applied.

2) Approve the request for access to the NWHI, and monitoring and education activities by Kosaki and his designees. Ensure all permit conditions outlined in the BLNR permit guidelines are applied.

RECOMMENDATION:

"That the Board authorize and approve, with stated conditions, 1) a Special Activity Permit to C.O. Scott Kuester, NOAA vessel Hi'ialakai, and 2) a Research, Monitoring and Education Permit to Dr. Randall Kosaki of National Oceanic and Atmospheric Association, for activities and access within the State waters of the NWHI."

Respectfully submitted,

DAN POLHEMUS
Administrator

APPROVED FOR SUBMITTAL

PETER T. YOUNG
Chairperson

APPENDIX 1

State of Hawai'i
DLNR
Northwestern Hawaiian Islands State Marine Refuge
Permit Application Form

For Office Use Only
Permit No:
Expiration date:
Date Appl. Received:
Appl. Fee received:
NWHI Permit Review Committee date:
Board Hearing date:
Post to web date:

Type of Permit

☐ I am applying for a **Research, Monitoring & Education** permit. (Complete and mail Application)
- ☐ This application is for a NEW project in the State Marine Refuge.
- ☐ This application is for an ANNUAL RENEWAL of a previously permitted project in the State Marine Refuge.

☐ I am applying for a permit for a **Native Hawaiian** permit. (Complete and mail Application)
- ☐ This application is for a NEW project in the State Marine Refuge.
- ☐ This application is for an ANNUAL RENEWAL of a previously permitted project in the State Marine Refuge.

☑ I am applying for a **Special Activity** permit. (Complete and mail Application)
- ☑ This application is for a NEW project in the State Marine Refuge.
- ☐ This application is for an ANNUAL RENEWAL of a previously permitted project in the State Marine Refuge.

Briefly describe **Special permit** activity: Vessel to be used as a support platform for other permitted activities.

When will the NWHI activity take place?

☑ **Summer** (May-July of 2006 (year)
Note: Permit request must be received before February 1st
Specific dates of expedition 05/18/2006 - 06/11/2006, 06/23/2006 - 07/19/2006

☑ **Fall** (August-November) of 2006 (year)
Note: Permit request must be received before May 1st
Specific dates of expedition 08/26/2006 - 09/29/2006

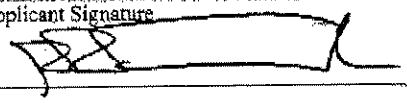
☐ **Other**

NOTE: INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Please Send Permit Applications to:

NWHI State Marine Refuge Permit Coordinator
State of Hawai'i
Department of Land and Natural Resources
Division of Aquatic Resources
1151 Punchbowl Street, Room 330
Honolulu, Hawai'i 96813

NWHI State Marine Refuge Permit Application
See Appendix 2 for Application Instructions

Section A – Applicant Information	
1. Project Leader (attach Project Leader's CV or resume) ☑ CV attached Kuester, Scott E Name: Last, First, Middle Initial	Commanding Officer NOAA Ship HI`IALAKAI Title
2. Mailing Address (Street/PO Box, City, State, Zip) NOAA Ship HI`IALAKAI 1 Sand Island Access Road Honolulu, HI 96819	Telephone (808) 684-3235 (at sea) Fax (808) 841-8821 Email Address co.hialakai@noaa.gov
3. Affiliation (Institution/Agency/Organization) U.S. Department of Commerce/NOAA	For graduate students, Major Professor 's Name & Telephone
4. Sub-Permittee/Assistant Names, Affiliations, and Contact Information ☐ CV or resume attached n/a to this permit application	
5. Project Title NOAA Ship HI`IALAKAI to be used as a support platform for other permitted activities.	
6. Applicant Signature 	7. Date (mm/dd/yyyy) 03/30/2006

Section B – Project Information

8. **(a) Project Location**

☑ NWHI State Marine Refuge (0-3 miles) waters surrounding:

- ☑ Nihoa Island
- ☑ Necker Island (Mokumanamana)
- ☑ French Frigate Shoals
- ☑ Laysan
- ☑ Maro
- ☑ Gardner Pinnacles
- ☑ Lisianski Island, Neva Shoal
- ☑ Pearl and Hermes Atoll
- ☑ Kure Atoll, State Wildlife Refuge
- ☑ Other NWHI location

Describe project location (include names, GPS coordinates, habitats, depths and attach maps, etc. as appropriate).

Vessel to be used as a support platform for other permitted activities.

(b) check all actions to be authorized:

☑ Enter the NWHI Marine Refuge waters

☐ Take (harvest) ☐ Possess ☑ Transport (☑ Inter-island ☐ Out-of-state)

☐ Catch ☐ Kill ☐ Disturb ☐ Observe

☑ Anchor ☑ Land (go ashore) ☐ Archaeological research

☐ Interactions with Sea Turtles or Monk Seals ☐ Interactions with Seabirds

☐ Interactions with Live Coral, Ark Shells or Pearl Oysters

☐ Interactions with Jacks, Grouper or Sharks

☐ Conduct Native Hawaiian religious and/or cultural activities

☑ Other activities Vessel to be used as a support platform for other permitted activities.

(c) Collection of specimens – collecting activities (would apply to any activity):

Organisms or objects (List of species, if applicable, add additional sheets if necessary):

Common name	Scientific name	No. & size of specimens	Collection Location(s)

n/a to this permit application

(d) What will be done with the specimens after the project has ended?

n/a to this permit application

(e) Will the organisms be kept alive after collection? ☐ yes ☐ no

- Specific site/location _____
- Is it an open or closed system? ☐ open ☐ closed
- Is there an outfall? ☐ yes ☐ no
- Will these organisms be housed with other organisms? If so, what are the other organisms?

n/a to this permit application

(Please attach additional documentation as needed to complete the questions listed below)

9. Purpose/Need/Scope:

- State purpose of proposed activities:

Vessel to be used as a support platform for other permitted activities.

Describe how your proposed activities will help provide information or resources to fulfill the State Marine Refuge purpose and to reach the Refuge goals and objectives.

- Give reasons why this activity must take place in the NWHI and cannot take place in the Main Hawaiian Islands, or elsewhere.

Vessel to be used as a support platform for other permitted activities.

- Describe context of this activity, include history of the science for these questions and background.

Vessel to be used as a support platform for other permitted activities.

- Explain the need for this activity and how it will help to enhance survival or recovery of refuge wildlife and habitats.

Vessel to be used as a support platform for other permitted activities.

- Describe how your proposed project can help to better manage the State Marine Refuge.

Vessel to be used as a support platform for other permitted activities.

10. Procedures (include equipment/materials)

Vessel to be used as a support platform for other permitted activities.

11. Funding sources (attach copies budget & funding sources).

Vessel receives an annual appropriation from the U.S. Congress.

12. List all literature cited in this application as well as all other publications relevant to the proposed project.

Vessel to be used as a support platform for other permitted activities.

13. What types of insurance do you have in place? (attach documentation)

☐ Wreck Removal Vessel is owned and operated by the U.S. Government and is self-insured.

☐ Pollution Vessel tracking information is attached.

14. What certifications/inspections do you have scheduled for your vessel? (attach documentation)

☑ Rat free ☐ tender vessel ☑ gear/equipment

☑ Hull inspection ☑ ballast water Additional information is attached.

15. Other permits (list and attach documentation of all other required Federal or State permits).

USF&WS Special Use Permit 12521 - 06001 (41 pp) (copy sent electronically to Athline Clark)

16. Project's relationship to other research projects within the NWHI State Marine Refuge, National Wildlife Refuge, NWHI Coral Reef Ecosystem Reserve, or elsewhere.

Vessel to be used as a support platform for other permitted activities.

Section C - Research

17. Time Frame: calendar year 2006

Project Start Date	Project Completion Date
05/18/2006, 06/23/2006, & 08/26/2006	06/11/2006, 07/19/2006, & 09/29/2006

Dates actively inside the State Marine Refuge.
Specific dates will be listed in applications for other permitted activities.

Personnel schedule in the State Marine Refuge (describe who will be where and when).
Additional information is attached.

18. Gear and Materials

- [x] Dive equipment
- [ ] Radio Isotopes
- [ ] Collecting Equipment
- [ ] Chemicals (specify types)

19. Fixed installations and instrumentation.

- [ ] Transect markers
- [ ] Acoustic receivers
- [ ] Other (specify) n/a to this permit application

20. Provide a time line for sample analysis, data analysis, write-up and publication of information.
n/a to this permit application

21. **Vessel Information:**

Vessel Name NOAA Ship HI`IALAKAI
IMO Number 8835619
Vessel Owner US Dept of Commerce/NOAA
Flag USA
Captain's Name Scott E. Kuester
Chief Scientist or Project Leader various
Vessel Type oceanographic research
Call sign WTEY
Length 224 ft
Gross tonnage (Int'l) 1,914
Port of Embarkation Honolulu, HI
Last port vessel will have been at prior to this embarkation Pago Pago, American Samoa
Total Ballast Water Capacity: Volume 487 m3
Total number of tanks on ship 10
Total Fuel Capacity: 228,642 USG (at 98% capac.)
Total number of fuel tanks on ship 15

Other fuel/chemicals to be carried on board and amounts:
Additional information is attached.

Number of tenders/skiffs aboard and specific type of motors:
Additional information is attached.

Does the vessel have the capability to hold sewage and grey-water? Describe in detail.
Additional information is attached.

Does the vessel have a night-time light protocol for use in the NWHI? Describe in detail (attach additional pages as necessary)
Per DLNR Guidelines for Submitting Permit Applications for Access to the NWHI State Marine Refuge - the vessel does not anchor at night in the vicinity of any island or islet within the NWHI.

On what workboats (tenders) will personnel, gear and materials be transported within the State Marine Refuge?
Additional information is attached.

How will personnel, gear and materials be transported between ship and shore?
Additional information is attached.

If applicable, how will personnel be transported between islands within any one atoll?
Additional information is attached.

NWHI State Marine Refuge Permit Application for NOAA Ship HI`IALAKAI

Additional Information

Section B: Project Information

13. What types of insurance do you have in place?

DLNR permit application guidelines state, "All applicants shall demonstrate their capability of providing DLNR with the opportunity to track their overall location while within the Refuge." "All applicants must provide DLNR with a continuous GPS track upon their return."

NOAA Ship HI`IALAKAI uses GPS for positioning. The ship monitors VHF frequencies 16, 13, 82A; 2182 kHz; and all GMDSS frequencies. E-mail is transferred three times daily. The Commanding Officer's e-mail address is co.hiialakai@noaa.gov. The ship's Iridium telephone number is 808-684-3235. A CD with continuous GPS positioning information will be provided to DLNR upon return to Honolulu.

14. What certifications/inspections do you have scheduled for your vessel?

- Rat Free (scheduled with U.S. Dept. of Health and Human Services for April 12, 2006)
- Hull Inspection (scheduled with a Hawaii Institute of Marine Biology phycologist (normally Scott Godwin) prior to projects working in the Northwestern Hawaiian Islands (NWHI)) to ensure no invasive algae species are transported to the NWHI. The hull is cleaned of invasive algae species as necessary. A copy of the inspection report will be provided to DLNR prior to entry into the Refuge.
- Ballast Water (is managed and records are transmitted to USCG as required by CFR Title 33, Vol. 2, Parts 151.1500 to 199; IMO Resolution A.868(20); and USCG COMDTPUB P16700.4). The ship does not discharge ballast water in the NWHI. A copy of the inspection report will be provided to DLNR prior to entry into the Refuge.
- Tender Vessel *(Does this refer to the ship's small boats that will be deployed from the ship? If so, they will be inspected by a phycologist or ship's personnel, and a copy of the inspection report will be provided to DLNR prior to entry into the Refuge.)*
- Gear/Equipment *(Does the attached "Certification of NOAA Inspection and Authorization to Operate in Public Vessel Status" provide you with enough information regarding the inspection regime for the ship's gear/equipment?)*

Section C: Logistics

17. Personnel schedule in the State Marine Refuge (describe who will be where and when).

The ship's complement includes (the names of individual crew members will change somewhat from project to project due to leave, illness, training, resignation, unfilled position, etc.)

Commanding Officer – CAPT Scott Kuester, NOAA
Executive Officer – LT Matthew Wingate, NOAA
Medical Officer – LT W. Michael Futch, USPHS
Operations Officer – LTJG Sarah Jones, NOAA
Navigation Officer – ENS Amy Cox, NOAA
Junior Officer – currently vacant

Chief Engineer – Michael Thomala
First Assistant Engineer – currently vacant
Third Assistant Engineer – Ricardo Gabona
Junior Unlicensed Engineer – currently vacant
Engine Utilityman – Angelo Grant
General Vessel Assistant (Engine) – Anthony Nemiccola

Chief Boatswain – Mark O'Connor
Boatswain Group Leader – Keith Lyons
Deck Utilityman – Merlyn Gordon
Able-Bodied Seaman – F. Gaetano Maurizio
Able-Bodied Seaman – Scott Jones
Ordinary Seaman – Jason Kehn
General Vessel Assistant (Deck) – Michael Young
General Vessel Assistant (Deck) – currently vacant

Chief Steward – Allen Gary
Second Cook – Susan Parker
General Vessel Assistant (Steward) – Edward Gahr

Survey Technician – Jeremy Taylor

Electronics Technician – Michael Crumley
Electronics Technician – Donald Jones

21. Vessel Information

Other fuel/chemicals to be carried on board and amounts:

Up to 700 USG of gasoline, up to 10,442 USG of lube oil, numerous other industrial and household chemicals required for the operation of a 224 ft research vessel.

Number of tenders/skiffs aboard and specific type of motors:

Ship's own tenders - 1 each 10 m AMBAR Marine jet boat with Yanmar 370-hp, Diesel inboard engine

1 each 8 m AMBAR Marine jet boat with Yanmar 315-hp, Diesel inboard engine
2 each 17.5 ft Zodiac inflatable boats, each with one Honda 50-hp, 4-stroke, outboard gasoline engine
1 each 19 ft AMBAR Marine rescue boat with Honda 115-hp, 4-stroke, outboard gasoline engine

Program-provided tenders listed in applications for other permitted activities.

Does the vessel have the capability to hold sewage and grey-water? Describe in detail. Yes. The ship has a 4,000 U.S.G. Collection Holding Tank for sewage and grey water. In those waters where effluent may NOT be discharged, sewage and grey water are held in this tank until the ship is in waters where sewage and grey water may be discharged. In those waters where effluent may be discharged, the ship has a U.S. Coast Guard-approved Marine Sanitation Device (Omnipure model MSD 12 MC) which is used to treat sewage and grey water.

On what workboats (tenders) will personnel, gear and materials be transported within the State Marine Refuge? - Personnel, gear and materials may be transported within the State Marine Refuge by the ship or any of the 5 ship's small boats listed above or by any program-provided small boat(s) listed in applications for other permitted activities.

How will personnel, gear and materials be transported between ship and shore? – Personnel, gear and materials may be transported between ship and shore by any of the 5 ship's small boats listed above or by any program-provided small boat(s) listed in applications for other permitted activities.

If applicable, how will personnel be transported between islands within any one atoll? - Personnel may be transported between islands within any one atoll by any of the 5 ship's small boats listed above or by any program-provided small boat(s) listed in applications for other permitted activities.

Captain Scott E. Kuester, NOAA

GOAL:
To serve NOAA and its diverse array of programs while developing outstanding leadership and management skills through continually more-challenging assignments and opportunities, leading to senior positions in environmental policy-making and resource management.

PROFESSIONAL EXPERIENCE:
Commanding Officer, NOAA Ship HI'IALAKAI: 2004 - present. Responsible for all aspects of safety, management, coordination, and operation to ensure the mission of NOAA's newest research ship is carried out successfully.
Program Specialist, Office of the Under Secretary of Commerce: 2002 - 2004. Provide senior staff support, review proposals, provide analyses, field questions from Congressional staff, advise and make recommendations on issues before the agency, ensure adequate coordination amongst NOAA line offices, provide briefings, represent the agency at interagency meetings.
Chief-of-Staff, National Marine Sanctuary Program: 2001 - 2002. Coordinate and ensure efficient and effective operation of Sanctuary headquarters and field functions and activities, oversee planning and programming, formulation and execution of the $38.4M budget.
Commanding Officer, NOAA Ship FERREL: 2000 - 2001. Responsible for all aspects of safety, management, coordination, and operation to ensure the ship's mission is carried out successfully.
Executive Officer, NOAA Ship GORDON GUNTER: 1998 - 2000. Primarily responsible, under the commanding officer, for organization, coordination of activities, performance of duty and good order and discipline of the command.
Assignment Coordinator, Commissioned Personnel Center: 1995 - 1998. Responsible for all details associated with assignment of officers. Extensive interaction with officers and civilians at all grade levels.
Assistant to the Director, Commissioned Personnel Center: 1994 - 1998. Responsible for NOAA Corps *Bulletin*, NOAA Corps *Directives*, awards and uniform issues.
Port Captain, AMC Southeast Marine Support Facility: 1993 - 1994. Coordinated logistical support for NOAA Ship MALCOLM BALDRIGE and other NOAA and non-NOAA ships using the facility. Prepared and managed budget and supervised NOAA Corps and civilian personnel.
Operations Officer, R/V JOHN V. VICKERS: 1991-1993. Managed and coordinated project operations aboard vessel--a unique joint venture operated by NOAA and UNOLS/University of Southern California.
Solar Observer: Culgoora Solar Observatory: 1988-1991. Acting Officer in Charge, 6 months.
Station Chief, NOAA South Pole Facility: 1986 - 1988.
Officer of the Deck/Safety Officer, NOAA Ship RESEARCHER: 1985 - 1986.
77th Basic Officer Training Class: 1984. Graduated first in class.

EDUCATION:
University of Maryland at College Park, School of Public Affairs, Master's degree in Environmental Policy: 1997.
U.S. Merchant Marine Academy, Kings Point, NY, Bachelor's degree in Marine Transportation (with honors): 1982.

PROFESSIONAL TRAINING:
Harvard University, John F. Kennedy School of Government, Senior Executive Fellows Program, 2004; Brookings Institution leadership course, 2002; several OPM leadership/management courses; NOAA Divemaster, GIS, Contracting Officer, Small Purchases and Schedule Contracts.

AWARDS:
NOAA Special Achievement Awards: 2004 - Un Sec, 2001 - MOC-A, 1996 - CPC, 1995 - CPC, 1990 - OAR/SEL.
NOAA Corps Director's Ribbon: 2000 - Annual Review, 1995 - Uniform and Awards Board.
NOAA Distinguished Authorship Award: 1987 - OAR/ARL.

VOLUNTEER/PROFESSIONAL ACTIVITIES:
Executive Committee, National Association of Commissioned Officers: 1997 - 1999
ROA Life Member
MOAA Life Member
Christ Lutheran Church, Washington, DC, Council Member: 2001 - 2004

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NOAA Marine and Aviation Operations
Marine Operations Center
1801 Fairview Avenue East
Seattle, WA 98102-3767

MEMORANDUM FOR: Commanding Officer
NOAA Ship HI'IALAKAI (R-334)

FROM: Rear Admiral Richard R. Behn, NOAA
Director, NOAA Marine and Aviation Operations Centers

SUBJECT: Certification of NOAA Inspection and Authorization to Operate in Public Vessel Status

REFERENCE: (a) 46 U.S.C. 2101 (24), Definition of the Public Vessel
(b) 46 CFR 188.05-1 (a)(4), U.S. Code of Federal Regulations, Shipping, Oceanographic Research Vessels, Exception of Public Vessels
(c) International Maritime Organization Conventions

ENCLOSURE: (1) United States Department of Commerce, Public Marine Research Vessel Certificate, dated 03 September 2004 (Reference Copy)

1. NOAA Ship HI'IALAKAI is owned and operated by the United States Department of Commerce, National Oceanic and Atmospheric Administration (NOAA) as an oceanographic research vessel in compliance with reference (a) and as certified on the original of enclosure (1) which is posted on board. The ship is engaged only in Government non-commercial service and, as such, is exempt from the requirements of the International Safety Management (ISM) and the International Ship and Port Facility Security (ISPS) codes. NOAA Ship HI'IALAKAI has the following identifiers and characteristics:

NOAA Hull Number: R-334
Call Sign: WTEY
Builder's Hull Number: 405 - Tacoma Boat Building Co.
United States Coast Guard (USCG) Document Number: CG001964
International Maritime Organization (IMO) Number: 8835619
American Bureau of Shipping (ABS) Identification Number: 8404452
Panama Canal Identification Number: 752070
MMSI Number: 369961000

Gross Tons (U.S.) - 1493
Net Tons - 1015
Gross Tons (Int'l) - 1914
Length - 224.0 feet
Breadth - 43.0 feet
Molded Depth - 20.0 feet

2. NOAA Ship HI`IALAKAI is a public vessel, commissioned to conduct marine research in accordance with Public Law 373-80th U.S. Congress, as amended. Pursuant to this commissioned service, NOAA Ship HI`IALAKAI complies with the International Regulations for Preventing Collisions at Sea, 1972 (COLREGS) and the Safety of Life at Sea Convention (SOLAS). NOAA Ship HI`IALAKAI also has the following certifications:

> International Load Line Certificate, dated 16 August 2004; ABS Approved Trim and Stability Booklet, dated 24 May 2005; ABS Certificate of Classification, dated 03 September 2004; and NOAA Certificate of Safe Manning, dated 31 March 2006.

3. Under the authority of enclosure (1) and pursuant to reference (b), NOAA Ship HI`IALAKAI is excepted from application of commercial vessel regulations. Further, under authority of enclosure (1), NOAA Ship HI`IALAKAI voluntarily meets the intent of the following United States (Flag State) Federal regulations and International Conventions as applied by Office of NOAA Corps Operations (NC) Instruction 5100.1B, Change 1, February 1998:

United States Code of Federal Regulations (Flag State):

46 CFR, Shipping, Subchapter U, Oceanographic Research Vessels,
33 CFR, Navigation and Navigable Waters, and
47 CFR, Telecommunications, Part 80, Subpart W (GMDSS).

International Conventions:

MARPOL Annex I, 73/78 Prevention of Pollution by Oil,
MARPOL Annex IV, 73/78 Prevention of Pollution by Sewage,
MARPOL, Annex V, 73/78 Prevention of Pollution by Garbage, and
Standards of Training and Certification of Watchkeeping for Seafarers Convention, 1995.

4. Pursuant to reference (c), NOAA Ship HI`IALAKAI has voluntarily obtained the following certificates regarding requirements of IMO conventions:

> Certificate of Sanitary Construction, dated 11 October 1984; Cargo Ship Radio Certificate, dated 11 February 2005; and International Tonnage Certificate, dated 01 October 1984.

5. NOAA Ship HI`IALAKAI was inspected at Honolulu, HI, on 01 May 2005 and is hereby certified to be in all respects in conformity with the applicable vessel inspection laws as applied by NC Instruction 5100.1B, Change 1, February 1998.

6. This certification expires on 01 April 2007.

Subject: NOAA Ship HI`IALAKAI NWHI State Marine Refuge Permit Application
From: "co.hiialakai" <co.hiialakai@noaa.gov>
Date: Sat, 01 Apr 2006 22:49:29 -1000
To: Athline.M.Clark@hawaii.gov
CC: dan.a.polhemus@hawaii.gov, John Rooney <John.Rooney@noaa.gov>, Randall Kosaki <Randall.Kosaki@noaa.gov>, Kelley Stroud <Kelley.Stroud@noaa.gov>, Hans Van Tilburg <Hans.VanTilburg@noaa.gov>

Ms. Clark:

Please find attached the following electronic copies of documents:

1. Permit Application Form (5 pp.),
2. Pages of additional information (3 pp.),
3. Resume of project leader (1 p.),
4. "Certification of NOAA Inspection and Authorization to Operate in Public Vessel Status" (2 pp.), and
5. USF&WS Special Use Permit issued to NOAA Ship HI`IALAKAI (41 pp.).

NOAA Ship HI`IALAKAI is at sea until April 9, 2006. I will attempt to fax you three (3) signed, hard copies per DLNR guidelines, of documents 1, 2, 3, and 4 above. The USF&WS SUP is 41 pages. Please advise if an electronic copy of this document is not sufficient, and I will try to get the ship's port office in Honolulu to deliver hard copies to your office.

Please note my questions contained in the pages of additional information RE application question 14. "What certifications/inspections do you have scheduled for your vessel?" Please advise, thank you.

If you would like to contact me regarding this application, this e-mail address and the telephone number 808-684-3235 are the best means to do so.

Thank you,

Captain Scott Kuester, NOAA
Commanding Officer
NOAA Ship HI`IALAKAI

HI Public Vessel Letter 2006.pdf	**Content-Type:** application/pdf **Content-Encoding:** base64

biosketch.doc	**Content-Type:** application/msword **Content-Encoding:** base64

Palawski_Special Use Permit 12521-06001_NOAA Ship Hi'ialakai.12Jan06.pdf	**Content-Type:** **Content-Encoding:**

NWHIStateMarineRefugePermitApplMar30.pdf	**Content-Type:** application/pdf **Content-Encoding:** base64

NWHI State Marine Refuge Permit.doc	**Content-Type:** application/msword **Content-Encoding:** base64

APPENDIX 1

State of Hawai'i
DLNR
Northwestern Hawaiian Islands State Marine Refuge
Permit Application Form
Draft

For Office Use Only
Permit No:
Expiration date:
Date Appl. Received:
Appl. Fee received:
NWHI Permit Review Committee date:
Board Hearing date:
Post to web date:

Type of Permit

☒ I am applying for a **Research, Monitoring & Education** permit. (Complete and mail Application)
- ☒ This application is for a NEW project in the State Marine Refuge.
- ☐ This application is for an ANNUAL RENEWAL of a previously permitted project in the State Marine Refuge.

☐ I am applying for a permit for a **Native Hawaiian** permit. (Complete and mail Application)

- ☐ This application is for a NEW project in the State Marine Refuge.
- ☐ This application is for an ANNUAL RENEWAL of a previously permitted project in the State Marine Refuge.

☐ I am applying for a **Special Activity** permit. (Complete and mail Application)

- ☐ This application is for a NEW project in the State Marine Refuge.
- ☐ This application is for an ANNUAL RENEWAL of a previously permitted project in the State Marine Refuge.

Briefly describe **Special permit** activity: Administrative and education/outreach activities in support of HI'IALAKAI research cruise HI-06-07

When will the NWHI activity take place?

☒ **Summer** (May-July of _2006_ (year)
Note: Permit request must be received before February 1st
Specific dates of expedition _May 18 – June 11 2006_

☐ **Fall** (August-November) of ____ (year)
Note: Permit request must be received before May 1st
Specific dates of expedition _____

☐ **Other**

NOTE: INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Please Send Permit Applications to:

NWHI State Marine Refuge Permit Coordinator
State of Hawai'i
Department of Land and Natural Resources
Division of Aquatic Resources
1151 Punchbowl Street, Room 330
Honolulu, Hawai'i 96813

NWHI State Marine Refuge Permit Application
See Appendix 2 for Application Instructions

Section A – Applicant Information	
1. Project Leader (attach Project Leader's CV or resume) ☒ CV attached Name: Kosaki, Randall K.	Title: Research Coordinator, NWHI Coral Reef Ecosystem Reserve
2. Mailing Address (Street/PO Box, City, State, Zip) Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve 6600 Kalaniana'ole Highway, Suite 300 Honolulu, Hawaii 96825	Telephone (808) 397-2660 ext. 243 Fax (808) 397-2662 Email Address Randall.Kosaki@noaa.gov
3. Affiliation (Institution/Agency/Organization) National Oceanic and Atmospheric Administration (NOAA) NWHI Coral Reef Ecosystem Reserve	For graduate students, Major Professor 's Name & Telephone
4. Sub-Permittee/Assistant Names, Affiliations, and Contact Information ☐ CV or resume attached Jill P. Zamzow, Ph.D., State of Hawaii DLNR, (808) 721-6479, zamzow@hawaii.edu Malia Rivera, Ph.D., Hawaii Institute of Marine Biology, (808) 728-6520, maliar@hawaii.edu Journalist, TBD	
5. Project Title NOAA ship HI`IALAKAI cruise HI-06-07	
6. Applicant Signature	7. Date (mm/dd/yyyy) 04/05/06

Section B: Project Information

8. **(a) Project Location**

☒ NWHI State Marine Refuge (0-3 miles) waters surrounding:

- ☒ Nihoa Island
- ☐ Necker Island (Mokumanamana)
- ☒ French Frigate Shoals
- ☐ Laysan
- ☐ Maro
- ☒ Gardner Pinnacles
- ☐ Lisianski Island, Neva Shoal
- ☐ Pearl and Hermes Atoll
- ☐ Kure Atoll, State Wildlife Refuge
- ☐ Other NWHI location

Describe project location (include names, GPS coordinates, habitats, depths and attach maps, etc. as appropriate).

All in-water activities occurring under this permit will involve observations and documentation of research activities covered by other permits. Principal investigators include Brian Bowen, Rob Toonen, Greta Aeby, Michael Rappe, Ruth Gates, Carl Meyer, and Steven Karl. As reported in those applications, proposed locations are subject to change due to weather and other variables, and potentially include:

Nihoa 23° 03' 39" North 161° 56' 07" West
French Frigate Shoals 23° 43' 51" North 166° 09' 54" West
Gardner Pinnacles 25° 21' 58" North 170° 31' 09" West

(b) check all actions to be authorized:

☒ Enter the NWHI Marine Refuge waters

☐ Take (harvest) ☐ Possess ☐ Transport (☐ Inter-island ☐ Out-of-state)

☐ Catch ☐ Kill ☐ Disturb ☒ Observe

☐ Anchor ☐ Land (go ashore) ☐ Archaeological research

☐ Interactions with Sea Turtles or Monk Seals ☐ Interactions with Seabirds

☐ Interactions with Live Coral, Ark Shells or Pearl Oysters

☐ Interactions with Jacks, Grouper or Sharks

☐ Conduct Native Hawaiian religious and/or cultural activities

☒ Other activities ____SCUBA dive_____

(c) Collection of specimens – collecting activities (would apply to any activity): None

Organisms or objects (List of species, if applicable, add additional sheets if necessary):

Common name	**Scientific name**	**No. & size of specimens**	**Collection Location(s)**

N/A – no specimens requested on this permit. All collecting activities occurring on this cruise are represented by separate permit applications. Principal investigators include Brian Bowen, Rob Toonen, Greta Aeby, Micheal Rappe, Ruth Gates, Carl Meyer, and Steven Karl.

(d) What will be done with the specimens after the project has ended?

N/A

(e) Will the organisms be kept alive after collection? ☐ yes ☐ no

- Specific site/location NA
- Is it an open or closed system? NA ☐ open ☐ closed
- Is there an outfall? NA ☐ yes ☐ no
- Will these organisms be housed with other organisms? If so, what are the other organisms? NA

(Please attach additional documentation as needed to complete the questions listed below)

9. Purpose/Need/Scope:

- State purpose of proposed activities: Activities listed on this permit application are in support of other research projects on this cruise (NOAA ship HI`IALAKAI cruise HI-06-07). Kosaki (NOAA) and Zamzow (DLNR) will represent their respective agencies, oversee compliance with all permit conditions, and serve as liaisons between the scientific party and the ship's officers and crew. Rivera and the journalist (TBD) will fulfill outreach roles. Their primary role will be to serve as web correspondents, providing daily updates for the NWHICRER website (http://www.hawaiianatolls.org) as well as photo-documentation of the cruise activities. They will also be writing other outreach pieces and translating the scientific research for a broader public audience, and if possible communicate with K-12 science classes. All personnel listed may SCUBA dive, and may also assist with shipboard data collection and sample processing. Any collecting or other permit-requiring activities by Kosaki and Zamzow in support of other projects on this cruise will be addressed in those specific permit applications.

Describe how your proposed activities will help provide information or resources to fulfill the State Marine Refuge purpose and to reach the Refuge goals and objectives.

Education and outreach products will increase public awareness of protective measures taken by the State and other jurisdictional partners in the NWHI, and will highlight the unique and fragile ecosystems of this area. Monitoring of other research activities on this cruise will insure compliance with State rules, regulations, and permit conditions. These activities are consistent with §13-60.5-1(4) in that they will "support, promote, and coordinate appropriate scientific research… to help better understand" Refuge resources.

- Give reasons why this activity must take place in the NWHI and cannot take place in the Main Hawaiian Islands, or elsewhere.

The research projects to be supported by these activities must take place in the NWHI. Justifications are contained in those permit applications.

- Describe context of this activity, include history of the science for these questions and background.

This activity will further the efforts of all jurisdictional partners (State DLNR, NOAA, USFWS) to manage, preserve, protect, and conserve by educating the public regarding these unique resources and the need for their preservation. Historically, education and outreach activities have always been a component of NWHI research cruises conducted under National Marine Sanctuary Program (NMSP) auspices, are mandated by the National Marine Sanctuaries Act. All previous NMSP research cruises to the NWHI have included substantial education and outreach components, making the research activities and findings accessible to a broad audience.

- Explain the need for this activity and how it will help to enhance survival or recovery of refuge wildlife and habitats.

Public awareness of marine conservation issues will lead to increased public support for the creation and management of marine protected areas such as the State marine Refuge.

- Describe how your proposed project can help to better manage the State Marine Refuge.

Photodocumentation and other products of previous NOAA/NMSP research cruises have been used extensively by jurisdictional partners, including the State DLNR.

10. Procedures (include equipment/materials)

Procedures may include accompanying research teams on small boats, SCUBA diving with research teams to observe and photodocument activities, and shipboard administrative, processing, and writing support.

11. Funding sources (attach copies budget & funding sources).

Salaries for personnel are covered by their respective agencies.

12. List all literature cited in this application as well as all other publications relevant to the proposed project.

NA

13. What types of insurance do you have in place? (attach documentation)

☒ Wreck Removal

☒ Pollution

14. What certifications/inspections do you have scheduled for your vessel? (attach documentation)

☒ Rat free ☐ tender vessel ☒ gear/equipment

☒ Hull inspection ☒ ballast water

Ballast Water (information is transmitted to USCG as required by CFR Title 33, Vol. 2, Parts 151.1500 to 199; IMO Resolution A.868(20); and USCG COMDTPUB P16700.4). Hull Inspection on SCUBA is standard, typically conducted during the in-port period during the week prior to departure for the Northwestern Hawaiian Islands (NWHI)) to ensure no nuisance algal or invertebrate species are transported to the NWHI. Inspection scheduled with U.S. Dept. of Health and Human Services for April 2006 will certify absence of rats.

15. Other permits (list and attach documentation of all other required Federal or State permits).

16. Project's relationship to other research projects within the NWHI State Marine Refuge, National Wildlife Refuge, NWHI Coral Reef Ecosystem Reserve, or elsewhere.

As described above, the administrative, education, and outreach responsibilities of the personnel named in this permit application will be in support of other concurrent research projects described in other permit applications

Section C: Logistics

17. Time Frame:

Project Start Date	Project Completion Date
May 18, 2006	June 11, 2006

Dates actively inside the State Marine Refuge.

05/19/06 – 05/30/2006 except when in transit between reefs

Personnel schedule in the State Marine Refuge (describe who will be where and when).

All personnel:

May 18-19 Honolulu to Nihoa

May 20-23 Nihoa

May 24-28 French Frigate Shoals

May 29-30 Gardner Pinnacles

All dates are subject to minor adjustments due to weather and ocean conditions

18. Gear and Materials

☒ Dive equipment ☐ Radio Isotopes

☐ Collecting Equipment ☐ Chemicals (specify types)

19. Fixed installations and instrumentation.

☐ Transect markers ☐ Acoustic receivers

☐ Other (specify)

NONE

20. Provide a time line for sample analysis, data analysis, write-up and publication of information. Daily website updates from the ship will be posted at www.hawaiianatolls.org, magazine and/or newspaper articles published after review and acceptance

21. **Vessel Information**:

Vessel Name: HI'IALAKAI IMO Number: 8835619

Vessel Owner: U.S. Dept. of Commerce, National Oceanic and Atmospheric Administration Flag: USA

Captain's Name: CDR Scott Kuester, NOAA Corps Chief Scientist or Project Leader: Randall Kosaki, Ph.D.

Vessel Type: Oceanographic Research Call sign: WTEY

Length: 224 feet Gross tonnage: 1914

Port of Embarkation: Honolulu, Hawaii

Last port vessel will have been at prior to this embarkation: Pago Pago, American Samoa

Total Ballast Water Capacity: Volume 487m3 Total number of tanks on ship: 10

Total Fuel Capacity: 228,642 U.S. gallons Total number of fuel tanks on ship: 15

Other fuel/chemicals to be carried on board and amounts: gasoline – as much as 700 U.S. gal.; lube oil – as much as 10,442 U.S. gal.: numerous other industrial and household chemicals used to operate a 224-foot research vessel

Number of tenders/skiffs aboard and specific type of motors:

Ship's own tenders - 1 each 10 m AMBAR Marine jet boat with Yanmar 370-hp Diesel inboard engine
1 each 8 m AMBAR Marine jet boat with Yanmar 315-hp Diesel inboard engine
2 each 17.5 ft Zodiac inflatable boats, each with one Honda 50-hp, 4-stroke, outboard gasoline engine
1 each 19 ft AMBAR Marine rescue boat with Honda 115- hp, 4-stroke, outboard gasoline engine

Program-provided tenders – 1 each 19 ft. Boston Whaler with Honda 135 hp, 4-stroke, outboard gasoline engine

Does the vessel have the capability to hold sewage and grey-water? Describe in detail.

The ship has a 4,000 U.S. gal Collection Holding Tank for sewage and grey water. In those waters where effluent may NOT be discharged, sewage and grey water are held in this tank until the ship is in waters where sewage and grey water may be discharged. The ship has a U.S. Coast Guard-approved Marine Sanitation Device (Omnipure model MSD 12 MC) which is used to treat sewage and grey water in those

waters where effluent may be discharged. Does the vessel have a night-time light protocol for use in the NWHI? Describe in detail (attach additional pages as necessary) Navigation lights are on 24 hours aday. Work lights on deck are put on at night only when conducting CTD or other similar operations. Stateroom portholes have opaque curtains.
How will personnel, gear and materials be transported between ship and shore? NA – not going ashore
If applicable, how will personnel be transported between islands within any one atoll? NA – not going ashore